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Attorneys for Defendants

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

SUZANNE KISTING-LEUNG, individually and
on behalf of all other similarly situated,

Plaintiff,

vs.

CIGNA CORPORATION, CIGNA HEALTH
AND LIFE INSURANCE COMPANY, and
DOES 1 through 50, inclusive,

Defendants.

Case No. 2:23-cv-01477-DAD-KJN

**JOINT STIPULATION FOR
PLAINTIFF TO FILE SECOND
AMENDED CLASS ACTION
COMPLAINT PURSUANT TO FRCP
15(a)(2); [PROPOSED] ORDER**

Complaint Filed: July 24, 2023
Judge: Hon. Dale A. Drozd
Trial Date: Not Set

JOINT STIPULATION FOR PLAINTIFF TO FILE SECOND AMENDED COMPLAINT CLASS
ACTION COMPLAINT PURSUANT TO FRCP 15(a)(2)
CASE NO. 2:23-CV-01477-DAD-KJN

1 Plaintiff Suzanne Kisting-Leung and Defendants Cigna Corporation and Cigna Health and
2 Insurance Company submit the following joint stipulation and request that the Court grant Plaintiff
3 leave to file a Second Amended Class Action Complaint (“SAC”) pursuant to Rule 15(a)(2) of the
4 Federal Rules of Civil Procedure:

5 **WHEREAS**, Plaintiff filed her Class Action Complaint (“Original Complaint”) in this
6 action on July 24, 2023;

7 **WHEREAS**, Defendants filed an unopposed motion for administrative relief for extension
8 of time to answer, move, or otherwise respond to the Original Complaint on August 7, 2023;

9 **WHEREAS**, the Court granted Defendants’ unopposed motion for administrative relief for
10 extension of time to answer, move, or otherwise respond to the Original Complaint and set the
11 deadline for Defendants to file a response to the Original Complaint by September 29, 2023;

12 **WHEREAS**, on September 14, 2023, the parties filed the joint stipulation for leave for
13 Plaintiff to file the First Amended Class Action Complaint (“FAC”) by October 16, 2023;

14 **WHEREAS**, the Court granted the joint stipulation to allow Plaintiff to file the FAC by
15 October 16, 2023;

16 **WHEREAS**, Plaintiff filed her FAC on October 16, 2023;

17 **WHEREAS**, on Wednesday, November 22, 2023, the parties met and conferred regarding
18 the arguments Cigna intended to raise in its anticipated motion to dismiss the FAC, in accordance
19 with this Court’s Standing Order in Civil Cases, Order I.C, including Cigna’s arguments as to
20 whether Plaintiff has Article III standing;

21 **WHEREAS**, counsel for Plaintiff advised that they intend to file a SAC that would add one
22 new class representative and also provide additional details pertaining to her claims and to the class
23 allegations, and counsel for Cigna advised that Cigna does not object to Plaintiff seeking leave to
24 file the SAC;

25 **WHEREAS**, the parties agreed that Plaintiff shall have until December 18, 2023, to file the
26 SAC; and
27

1 **WHEREAS**, the parties agreed that Defendants shall have until February 1, 2024, to answer,
2 move, or otherwise respond to the SAC.

3 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** between the
4 parties hereto, through their respective attorneys of record, that:

- 5 1. Plaintiff may, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, file
6 an amended complaint in the form of the SAC on or before December 18, 2023;
- 7 2. Defendants shall have until February 1, 2024, to answer, move, or otherwise respond
8 to the SAC.

9 Respectfully submitted,

1 DATED: November 28, 2023

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3 By: /s/ Glenn A. Danas

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11 DATED: November 28, 2023

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23 *Attorneys for Defendants*

[PROPOSED] ORDER

The Court, having reviewed the parties' Joint Stipulation for Plaintiff to file the Second Amended Class Action Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, and for good cause appearing, **IT IS HEREBY ORDERED** that Plaintiff is granted leave to file the Second Amended Complaint on or before December 18, 2023.

IT IS FURTHER SO ORDERED that Defendants shall have until February 1, 2024, to answer, move, or otherwise respond to the SAC.

IT IS SO ORDERED

DATED: _____, 2023

Honorable Dale A. Drozd
United States District Judge